

Sent to Comptroller

(January 29, 1979)

**S.B. 133**

Signed by Governor

(January 26, 1979)

**H.C.R. 9**

**H.C.R. 14**

**H.C.R. 20**

(January 29, 1979)

**S.C.R. 9**

**H.C.R. 8**

**H.C.R. 29**

**ELEVENTH DAY**

(Tuesday, January 30, 1979)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabec, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Patman, Price, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Absent-excused: Ogg, Santiesteban, Truan.

A quorum was announced present.

The Reverend George M. Ricker, University United Methodist Church, Austin, offered the invocation as follows:

Eternal God, in whom we live and move and have our being, You have given us life and a reason for living; You have given us responsibilities and the opportunity for their fulfillment; You have given us colleagues and the patience to work with them; You have given us privilege and Your mandate to serve the underprivileged; and You have given us a voice to represent those without voice. So enable us fully to live, faithfully to assume our responsibilities and courageously to work with one another that the underprivileged and the voiceless especially may be served and Your purposes fulfilled, in the spirit of Your eternal love we pray. Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

### LEAVES OF ABSENCE

Senator Truan was granted leave of absence for today on account of illness on motion of Senator Doggett.

Senator Ogg was granted leave of absence for today on account of important business on motion of Senator Clower.

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Snelson.

### REPORTS OF STANDING COMMITTEES

Senator Moore submitted the following report for the Committee on State Affairs:

**C.S.S.B. 43** (Read first time)  
**S.B. 51**  
**S.B. 162**  
**S.B. 160**  
**S.B. 80**

Senator Brooks submitted the following report for the Committee on Human Resources:

**S.B. 139** (Amended)  
**S.B. 63** (Amended)

### RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled resolutions:

**H.C.R. 31**  
**H.C.R. 33**

### CO-AUTHOR OF SENATE JOINT RESOLUTION 7

On motion of Senator Schwartz and by unanimous consent, Senator Vale will be shown as Co-author of **S.J.R. 7**.

### MESSAGE FROM THE HOUSE

House Chamber  
January 30, 1979

HONORABLE WILLIAM P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT  
THE HOUSE HAS PASSED THE FOLLOWING:

**H.C.R. 15** allowing the YMCAs of the state of Texas to use the House and Senate chambers

**H.C.R. 34** in memory of the honorable Nelson A. Rockefeller

**S.C.R. 19** expressing appreciation and wishes for speedy recuperation to John Wayne

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.B. 344** by Andujar Jurisprudence  
Relating to establishing an offense for refusing to obey a peace officer's summons for assistance.

**S.B. 347** by Brooks, Schwartz, Jurisprudence  
Jones of Harris, Doggett  
Relating to the rights of former convicts to obtain occupational licenses.

**S.B. 348** by Andujar State Affairs  
An Act amending Section 13a, Chapter 88, Acts of the 41st Legislature, 2nd C.S., p. 172, 1929 (codified as Article 6675a-13a of the Revised Civil Statutes of the State of Texas), providing for license fees on motor vehicles used on the public highways of this State, and declaring an emergency.

**S.B. 349** by Andujar State Affairs  
An Act amending Sec. 2, Chapter 364, Acts of the 50th Legislature, Regular Session, 1947 (codified as Article 6687-6 of the Revised Civil Statutes of the State of Texas) to provide for filing for transfer of registration and Certificate of Title within a designated period of time, providing fees therefor; providing a penalty for failure to file; providing for disposition of fees collected; providing for liability of Tax Collector and his bondsmen for failure to collect penalty; and declaring an emergency.

**S.B. 350** by Mauzy, Longoria Education  
Relating to public school finance.

**S.B. 351** by Brooks, Jones of Harris Education  
Relating to granting the power of eminent domain to the Texas Southern University Board of Regents.

**S.B. 352** by Brooks, Jones of Harris Human Resources  
Relating to the prevention of alcohol abuse, treatment of alcoholism, and approval of treatment facilities.

**S.B. 353** by Blake Natural Resources  
Relating to compensation of the Sabine River Compact commissioners; amending Section 44.006, Water Code.

- S.B. 354** by Blake Education  
Relating to the sale of certain land by Stephen F. Austin State University.
- S.B. 355** by Blake Finance  
Making an appropriation to pay the additional cost of purchased utilities at Stephen F. Austin State University.
- S.B. 356** by Jones of Taylor, Andujar, Braecklein, Education  
Brooks, Clower, Harris, Howard, Kothmann, Longoria,  
McKnight, Meier, Mengden, Moore, Ogg, Traeger, Vale,  
Williams, Jones of Harris  
Relating to eligibility for and the amount of tuition equalization grants.
- S.B. 357** by Meier Economic Development  
Relating to the regulation of certain business and insurance practices; amending certain provisions of Chapter 17, Business & Commerce Code, as amended.
- S.B. 358** by Mauzy, Ogg, Harris Education  
Relating to purchase of credit in the Teacher Retirement System of Texas for certain service.
- S.B. 359** by Creighton Economic Development  
Relating to the definition of credit terms; amending subdivision (h), Article 7.01, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-7.01, Vernon's Texas Civil Statutes).
- S.B. 360** by Farabee Jurisprudence  
An Act defining the term "sub-contractor" as used in the Texas Worker's Compensation Act; determining who are employees of the sub-contractor for coverage under the Worker's Compensation Act; amending Section 6 of Article 8307, Vernon's Annotated Texas Statutes; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.
- S.B. 361** by Moore Economic Development  
An Act relating to the acquisition of real property by savings and loan associations by defining the term "course of business" and placing certain restrictions and limitations thereon; prohibiting land acquisition under certain circumstances; amending Section 5.12 of the Texas Savings and Loan Act, codified as Article 852a, Vernon's Annotated Texas Statutes; amending Article 14, Chapter I, Texas Banking Code of 1943, as amended; repealing Section 5.16 of the Texas Savings and Loan Act; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.
- S.B. 362** by Moore State Affairs  
Relating to permits for geological surveys or investigations on prison lands; amending Article 6203aa, Revised Civil Statutes of Texas, 1925.
- S.B. 363** by Santiesteban State Affairs  
Relating to guests of temporary members of private clubs.
- S.B. 364** by Meier Economic Development  
Relating to the method of payment of damages in certain court action.

**S.B. 365** by Meier Economic Development  
Relating to reduction of damage awards in certain civil suits; and declaring an emergency.

**S.B. 366** by Mengden Jurisprudence  
An Act relating to the admission in evidence of oral statements of an accused; amending Article 38.22 Section 3, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

**S.B. 367** by Short State Affairs  
Relating to the applicability of the state ethics and financial disclosure law to the judges of certain statutory courts.

**S.B. 368** by Jones of Taylor Economic Development  
Relating to inspection of nuclear boilers.

**S.B. 369** by Harris Economic Development  
Relating to secured transactions; amending the Business and Commerce Code by amending Subsection (b) of Section 9.301, as amended, concerning time of filing with respect to purchase money security interest; and Subsection (d) of Section 9.312, as amended concerning time of perfection of a purchase money security interest to preserve its priority over conflicting interest; and declaring an emergency.

**S.B. 370** by Harris Economic Development  
Relating to the licensing and regulation by the State Board of Insurance of persons offering residential service contracts to the public; defining the term "residential service contract"; providing requirements for licensure; providing for protection against insolvency; requiring an annual report; providing for a complaint system; prohibiting certain practices; prohibiting rebates or commissions; authorizing certain examinations by the State Board of Insurance; authorizing the State Board of Insurance to take certain action if a hazardous financial condition arises; providing for minimum contract provisions and the filing of charges; providing contract cancellation provisions; providing for license suspension or revocation; providing for rehabilitation, liquidation, or conservation; providing a procedure for appeal; providing a penalty; providing for officer and employee bonds; providing injunctive power; providing for fees; providing exemptions; amending the Texas Insurance Code by adding Articles 24.01, 24.02, 24.03, 24.04, 24.05, 24.06, 24.07, 24.08, 24.09, 24.10, 24.11, 24.12, 24.13, 24.14, 24.15, 24.16, 24.17, 24.17A, 24.18, 24.19, 24.20, 24.21, 24.22, 24.23, 24.24, and 24.25; and declaring an emergency.

**S.B. 371** by Short Education  
Changing the name of Texas Tech University School of Medicine to Texas Tech University Health Sciences Center.

**S.B. 372** by Blake Intergovernmental Relations  
Relating to a program by which counties may purchase items through the State Board of Control.

**S.B. 373** by Schwartz Jurisprudence  
Authorizing certain law enforcement officials to order the diverting or cutting of telephone lines in certain cases involving hostages.

**S.B. 374** by Schwartz

## Jurisprudence

Relating to expunction of criminal records; amending Section 1 of Chapter 747, page 1880, Acts of the 65th Legislature, Regular Session, 1977 (Chapter 55, Code of Criminal Procedure, 1965, as amended); and amending Chapter 53, Code of Criminal Procedure, 1965, as amended by adding Article 53.08.

**S.B. 375** by Braecklein

## Intergovernmental Relations

Relating to the destruction of original records after microfilming; modifying certain microfilm standards; authorizing the use of microfilm as an original public record; amending Sections 1 and 3, Chapter 158, Acts of the 64th Legislature, Regular Session, 1975 (Article 6574c, Vernon's Texas Civil Statutes); and declaring an emergency.

**S.B. 376** by Schwartz

## Jurisprudence

Relating to employees of adult probation offices and the establishment and funding of those offices.

**S.B. 377** by Creighton

## Human Resources

An Act establishing the Texas Human Genetics Center to provide comprehensive genetic services in the areas of mental illness and mental retardation; transferring to the Center all powers, duties, functions, obligations, property, records and personnel of the genetics counseling and screening program of the Denton State School; authorizing the acquisition of real property and the construction of suitable buildings; authorizing the provision of comprehensive genetic services; providing for an effective date; providing for severability; and declaring an emergency.

**S.B. 378** by Andujar

## Economic Development

Amending the Insurance Code, as amended, by adding a Chapter 23 thereto; providing for the regulation of Insurance Premium Finance Companies by the State Board of Insurance; repealing Articles 5069-12.01 through 5069-12.20, Vernon's Annotated Civil Statutes; and declaring an emergency.

**S.J.R. 33** by Jones of Harris

## Jurisprudence

Proposing an amendment to subsection (2) of Section 1-a, Article V of the Texas Constitution relating to the membership of the State Commission on Judicial Conduct.

**S.J.R. 34** by Mengden

## State Affairs

Proposing a constitutional amendment relating to the date the governor takes office.

**S.C.R. 20** by Brooks

## Human Resources

Memorializing Congress to increase the maximum income that handicapped individuals may earn and still retain social security benefits.

**S.C.R. 21** by Brooks

## Human Resources

Requesting the State Board of Insurance to examine the critical problems that elderly and handicapped persons encounter in trying to obtain insurance coverage.

**COMMITTEE SUBSTITUTE SENATE BILL 126 ON SECOND  
READING**

Senator Schwartz moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 126** be taken up for consideration at this time:

**C.S.S.B. 126**, Amending Chapter 19 of the Water Code; providing for an appropriation; providing for the repayment of that appropriation; and declaring an emergency. (Submitted by Governor as an emergency.)

The motion prevailed by the following vote: Yeas 27, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Parker, Patman, Price, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Mauzy.

Absent-excused: Ogg, Santiesteban, Truan.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 126 ON THIRD  
READING**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 126** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Parker, Patman, Price, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Mauzy.

Absent-excused: Ogg, Santiesteban, Truan.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Parker, Patman, Price, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Mauzy.

Absent-excused: Ogg, Santiesteban, Truan.

**COMMITTEE SUBSTITUTE SENATE BILL 64 ON SECOND  
READING**

Senator Schwartz moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 64** be taken up for consideration at this time:

**C.S.S.B. 64**, Relating to the retention of redfish and spotted sea trout by holders of shrimp licenses.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Ogg, Santiesteban, Truan.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 64 ON THIRD  
READING**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 64** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Ogg, Santiesteban, Truan.

The bill was read third time and was passed.

**PRESENTATION OF GUEST**

The President recognized Senator Longoria who introduced to the Members of the Senate The Honorable J. A. "Tony" Canales, United States Attorney, Southern District of Texas.

**SENATE BILL 109 ON SECOND READING**

Senator Jones of Taylor moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 109** be taken up for consideration at this time:

**S.B. 109**, Relating to the creation of municipal courts of record in the City of Abilene and providing for appeals from the municipal courts of record.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Mengden, Moore, Parker, Patman, Price, Schwartz, Short, Snelson, Traeger, Vale, Williams.



Nays: Mauzy, Meier.

Absent-excused: Ogg, Santiesteban, Truan.

The bill was read second time.

Senator Jones of Taylor offered the following amendment to the bill:

Amend S.B. No. 109 by striking "on the same date that the terms of the governing body of the city expire." in the third sentence of Section 3 of the bill and inserting "two years from the date of appointment in November. Vacancies occurring during the term shall be filled for the unexpired portion of the original term."

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

#### **RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **SENATE BILL 109 ON THIRD READING**

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 109** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Andujar, Blake, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Mengden, Moore, Parker, Patman, Price, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Braecklein, Mauzy, Meier.

Absent-excused: Ogg, Santiesteban, Truan.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 5.

Yeas: Andujar, Blake, Brooks, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Mengden, Moore, Parker, Patman, Price, Schwartz, Short, Snelson, Traeger, Williams.

Nays: Braecklein, Clower, Mauzy, Meier, Vale.

Absent-excused: Ogg, Santiesteban, Truan.

#### **SENATE BILL 123 ON SECOND READING**

Senator Creighton moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 123** be taken up for consideration at this time:

**S.B. 123**, Relating to the creation, jurisdiction, administration, and procedures of the County Court at Law of Wise County; making other provisions relative to the courts in Wise County and the membership of the juvenile board.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Ogg, Santiesteban, Truan.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 123 ON THIRD READING**

Senator Creighton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 123** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Ogg, Santiesteban, Truan.

The bill was read third time and was passed.

#### **HOUSE CONCURRENT RESOLUTION 15**

The President laid before the Senate the following resolution:

**H.C.R. 15**, Allowing the YMCAs of the State of Texas to use the House and Senate chambers.

The resolution was read.

On motion of Senator Farabee and by unanimous consent, the resolution was considered immediately and was adopted.

#### **WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 60** - By Schwartz: Extending welcome to Reverend E. J. Johnson.

**S.R. 61** - By Clower: Extending welcome to Sheriff Jerry N. Shelton and Jimmy Spencer.

**S.R. 62** - By Clower: Extending congratulations to Catherine E. Hollingsworth.

**S.R. 63** - By Clower: Extending congratulations to Robin Denise Barker.

#### **ADJOURNMENT**

On motion of Senator Moore the Senate at 11:07 o'clock a.m. adjourned until 10:15 o'clock a.m. tomorrow.